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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,803	03/30/2001	Ravi Ganesan	23952-0147	5542
29052	7590	06/19/2007		
SUTHERLAND ASBILL & BRENNAN LLP 999 PEACHTREE STREET, N.E. ATLANTA, GA 30309			EXAMINER COLBERT, ELLA	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 09/820,803	Applicant(s) GANESAN ET AL.	
	Examiner Ella Colbert	Art Unit 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8, 10-16, 24-28, 31, 33-39, 47 and 50-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 10-16, 24-28, 31, 33-39, 47 and 50-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-5, 8, 10-16, 24-28, 31, 33-39, 47, and 50-55 are pending. Claims 1, 3-5, 8, 10-12, 15, 16, 24, 26-28, 31, 33-35, 38, 39, and 47 have been amended, claims 6, 7, 9, 29-30, and 32 have been cancelled, and claims 50-55 have been added in this communication filed 4/04/07 entered as Response to Non-Final Rejection.
2. The objections to the drawings still remain as set forth here below.
3. The objections to the Specification have been overcome in part with remaining objections to the Specification as set forth here below.
4. The objection to claims 1, 3, 4, 5, 10, 11, 15, 16, and 24 have been overcome by Applicant's amendment to the claims and is hereby withdrawn.
5. The 35 USC 112 second paragraph rejection for claims 1, 11, 16, 24, 27, 39, and 47 omitting essential steps amounting to a gap between the steps has been overcome by Applicant's amendment to the claims and is hereby withdrawn. The 35 USC 112, second paragraph rejection for the claims being indefinite has been overcome by Applicant's amendment to claim 1 and is hereby withdrawn. However, there are still remaining 35 USC 112 second paragraph rejections as set forth here below.

### ***Drawings***

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because Figure 1, reference character "140" has been used to designate both "P.F.I. Network" and "Network" and reference character "100" has been used to designate both "Internet" and "Network". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the

application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

7. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Figure 1, reference numbers 110C –110N, 150C –150N, and 120C-120N; Figure 2, reference number "1000"; Figure 5, reference numbers "1000" and "1170"; Figure 12, reference numbers "1002-1004, 1006- 1009, 1011- 1014, 1016, 1018, 1019, and 1021 –1024"; and Figure 15, reference number "1500". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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8. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 9, reference character "920"; and Figure 11, reference characters "901, 920, 925, 930, 940, 950, and 960" are not found in the discussion of Figure 11. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

9. The Specification is objected to because Page 16, lines 16 and 32 recites "110A – 110N". This line should recite "110A, 110B, and 110N"; lines 21 and 28 recite "150A – 150N" and these lines should recite "150A, 150B, and 150N"; and line 23 recites "120A – 120N" and this line should recite "120A, 120B, and 120N". Page 17, lines 1 and 2 and page 19, lines 25 and 26 have a similar problem. Page 18, line 27 recites "Figures 4 and 5 depict ...". This line should recite "Figures 4 and 5 depict ... server referring to

Figure 1 suitable". Page 19, line 23 and page 20, line 5 have a similar problem.

Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

10. Claims 1, 4, 16, 27, and 39 are objected to because of the following informalities: Claim 1 is in improper method claim format. Claim 1 recites "if the first payer" and "if the second payer". These claim limitations should begin with "determining if the first payer status is to be associated ..." and "determining if the second payer status is to be associated ...". Claim 4 recites "executing a payments on behalf of the network user, wherein ...; and ...". This claim needs the "a" deleted. Claims 16, 27, and 39 have a similar problem. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1, recites "network user, transmitting a payment screen enabling the identified network user to pay". The usage of the word "enabling" in a claim limitation is not considered a positive recitation. A positive recitation would be "network user, transmitting a payment screen for the identified network user to pay". Claims 24 and 47 have a similar problem.

Claims 2-5, 8, 10-16, 25-28, 31, 33-39, and 50-55 are also rejected because of their dependency from a rejected base claim.

***Response to Arguments***

13. Applicant's arguments filed 04/04/07 have been fully considered but they are not persuasive.

Issue no. 1: Applicant argues: The Applicants' have not amended the specification or changed FIG. 1 to further clarify the "P.F.I. Network 140" and the "Internet 100" because the specification refers to both network 100 and network 140 and the Applicants' respectfully contend that it is clear-based on the specific reference numeral accompanying the term "network" which network, P.F.I. or Internet is referenced to at that particular point in the specification has been considered but is not persuasive. Response: The "P.F.I. Network 140" is not referenced as such in the specification. Therefore the label on the drawing for element "140" and the specification are not in agreement is the issue.

The problem with the drawings and specification is that they are not in agreement with each other. Also, the specification needs to specify which figure is being discussed in order to avoid confusion to person(s) reading the specification and trying to match it with the drawing figures being discussed.

As for the skipping of reference numbers when labeling a process, the Examiner disagrees because the flow chart is not in agreement with the specification when reference numbers are skipped.

As for reference elements being objected to in the drawings and the specification regarding for example, reference numbers "110A-110N" not being changed and such a change being unwarranted, the Examiner disagrees because (1) the drawings are not in

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agreement with what is referenced in the specification and (2) the specification is not in agreement with what is shown in the drawing figures. If 110A, 110B, and 110N are shown in the drawing figure, that is what should be in the specification otherwise, the discussion of the drawing is incomplete when reference numbers are skipped.

### **Inquiries**

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Wednesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.




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For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 7, 2007

  
ELLA COLBERT  
PRIMARY EXAMINER